IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10234 of 1998

Between:

1 S.Ramakrishna Rao, S/o. Paradamaiah,
R/o. Achampet, Mahabubnagar District.
2 S.Srinicas Yadav, S/o. Ramakrishna Rao,
R/o. Achampet, Mahabubnagar District.
3 S.Nanda Kishore Yadav, S/o. Ramakrishna Rao,
R/o. Achampet, Mahabubnagar District.

..... PETITIONERS

AND

1 The Superintendent of Police,
Mahabubnagar District.
2 The Sub-Inspector of Police,
Achampet, Mahabubnagar District.
3 The Circle Inspector of Police,
Achampet, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to direct the respondents not to harass the Petitioners and not detain the petitioners in police station without booking a case against them by issuing a writ more in the nature of Mandamus or any other writ order or direction from this Hon'ble Court may deems fit and proper in the circumstance of the case.

Counsel for the Petitioners: MR.V.V.NARASIMHA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

This writ petition is filed seeking a direction to the respondents not to harass the petitioners and not to detain them in police station without booking a case against them.

It is stated that one Venkatesh Yadav, who is the son of petitioner No.1 and the brother of petitioner Nos.2 and 3, worked as Manager in J.V.G. Finance Limited at Atchampeta branch, which went into financial troubles. Owing to the pressure and life threat from the investors and depositors of the company, the said Venkatesh Yadav absconded. The petitioners submit that though they are unconnected with the affairs of the finance company, the respondents without booking any case, harassed them by calling them to police station frequently, and tortured them to disclose the whereabouts of the said Venkatesh Yadav. Assailing the impugned action of the respondents, the petitioners filed this writ petition.

The second respondent filed counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition. It is stated that since there were no complaints from the investors or depositors in respect of the security of their deposits in the JVG Finance Company, the police have no jurisdiction to interfere with the petitioners' liberty and the police did not visit the petitioners' house at any point of time nor did they harass the petitioners to find out the whereabouts of Venkatesh Yadav. It is stated that the petitioners filed this writ petition apprehending probable action from the police on a complaint, if any, from the investors or depositors of the JVG company, who deposited amounts relying on the words of the said Venkatesh Yadav. There is no substance in the writ petition. Thus, he prays to dismiss the writ petition.

None appears for the petitioners.

In view of the averments in the counter-affidavit filed by the second respondent that the police did not harass the petitioners and that the petitioners filed this writ petition on mere apprehension that police may take action against them if there is any complaint from the investors or depositors of the finance company, no cause survives in this writ petition.

Therefore, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J

Date: 04-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent of Police,
Mahabubnagar District.
2 The Sub-Inspector of Police,
Achampet, Mahabubnagar District.
3 The Circle Inspector of Police,
Achampet, Mahabubnagar District.

4 Two CCs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies

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